

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE PAYMENT CARD INTERCHANGE FEE :  
AND MERCHANT DISCOUNT ANTITRUST : Case Nos.  
LITIGATION : 05-MD-01720 (MKB)(JO)  
14-MD-01720 (MKB)(JO)

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This document relates to: : STIPULATION AND PROPOSED  
ORDER

*New Prime Inc. v. Mastercard*, No. 6:16-cv-03353- :  
RK (W.D. Mo.)

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**STIPULATION AND PROPOSED ORDER**

WHEREAS, New Prime Inc. filed an action captioned *New Prime Inc. v. Mastercard*, No. 6:16-cv-03353-RK (W.D. Mo.) (the “New Prime Action”);

WHEREAS, on September 8, 2016, New Prime filed its First Motion to Remand and supporting papers (W.D. Mo. D.E. 7, 8);

WHEREAS, on September 22, 2016, Mastercard International Incorporated (“Mastercard”)<sup>1</sup> filed an Uncontested Motion for Extension of Time and Suggestions in Support (W.D. Mo. D.E. 11);

WHEREAS, on September 23, 2016, the District Court granted Mastercard’s Motion for Extension of Time which extended to October 10, 2016 Mastercard’s time to respond to New Prime’s Motion to Remand (W.D. Mo. D.E. 12);

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<sup>1</sup> The Petition, which names “MasterCard, a New York Corporation” as Defendant, fails to specify which Mastercard entity Plaintiff purports to sue. Mastercard International Incorporated is the operational entity and thus submits this stipulation and proposed order on behalf of “MasterCard.” To the extent the Petition is purportedly directed at a separate entity, Mastercard Incorporated, it joins in this stipulation and proposed order.

WHEREAS, on October 7, 2016, Mastercard filed a Second Uncontested Motion for Extension of Time and Suggestions in Support (W.D. Mo. D.E. 13);

WHEREAS, on October 7, 2016, the United States Judicial Panel on Multidistrict Litigation lifted a stay of its conditional transfer order (“CTO-23”) and transferred the New Prime Action to this court and consolidated it in the above captioned matter (W.D. Mo. D.E. 18);

WHEREAS, the parties to the New Prime Action wish to extend further the time for responding to New Prime’s Motion to Remand and to stay discovery and disclosure obligations while they continue to engage in settlement discussions as set forth below.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that:

1. Mastercard’s time to respond to New Prime’s Motion to Remand and all discovery, and any disclosure or reporting obligations under Federal Rules of Civil Procedure 16 and 26, shall be stayed until December 9, 2016, without prejudice to any party’s right (a) to lift that stay upon providing notice to the Court and the parties to the New Prime Action, or (b) to seek to maintain the stay if another party lifts the stay.

Dated: October 11, 2016.

Respectfully submitted,

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& GARRISON LLP**

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**So ordered:**

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Hon. James Orenstein  
Dated: